

EXHIBIT 3

AFFIDAVIT OF JENNIFER ELLIOTT

NOW COMES Jennifer Elliott, of 46 Holderness Road, Center Sandwich NH 03227 (business address of Law Office of Leslie H. Johnson, PLLC), and upon oath states as follows:

1. I am employed as a legal secretary with the Law Office of Leslie H. Johnson, PLLC.

2. I reviewed portions of the following deposition transcripts:

- a. Michelle Brown dated 10/22/12;
- b. The Honorable Edwin Kelly dated 11/07/12;
- b. Brenda Knapp dated 10/19/12;
- d. Pamela Kozlowski dated 10/19/12 and 10/26/12;
- e. The Honorable Lawrence MacLeod dated 11/07/12;
- f. Attorney Jennifer Moeckel dated 03/29/13; and
- g. Lisa Towle dated 11/02/12;

all of which are true and accurate copies of excerpts from each respective deposition transcript.

3. I reviewed portions of said deposition transcripts to determine which allegations of Paragraphs 13 and 14 of the Complaint had been observed by the witness; whether the witnesses had knowledge of the items discussed in Paragraphs 13 and 14 of the Complaint (whether told by Michele Walker or otherwise had knowledge); and/or, whether any witnesses agreed that said items constituted harassment or were otherwise inappropriate for the workplace.

4. Attached hereto as Exhibits 3B through 3H are true and accurate copies of my notes (which list the pages at which each item of Paragraphs 13 and 14 of the Complaint are discussed) and the referenced pages from said deposition transcripts. I do not know whether said items are discussed at other pages in said deposition transcripts. Where signature pages are missing to the deposition transcript, it is because we have not received them back from opposing counsel.

5. After completing my aforementioned review, I then marked up Paragraphs 13 and 14 of the Complaint, attached hereto as Exhibit 3A. For each item that was observed, it is circled for each witness that observed it. If it is circled twice or more, this indicates multiple witnesses observed it.

6. Each time the item has at least one witness who was aware of it or heard about it, the item is underlined. If it is underlined twice or more, this indicates multiple witnesses were aware of it.

7. For each witness who agreed that if the item happened, it could constitute harassment, or at least be inappropriate in the workplace, I placed the witness's initials next to the item. Initials are MB for Michelle Brown; EK for The Honorable Edwin Kelly; BK for Brenda Knapp; PK for Pamela Kozlowski; LM for The Honorable Lawrence MacLeod; JM for Attorney Jennifer Moeckel; and, LT for Lisa Towle.

FURTHER AFFIANT SAYETH NOT

/s/ JENNIFER ELLIOTT
Jennifer Elliott

STATE OF NEW HAMPSHIRE
COUNTY OF CARROLL

Personally appeared Jennifer Elliott on this 19th day of April 2013, and upon oath affirmed that the above facts are true and accurate to the best of her knowledge and belief.

Before me,

/s/ MONA J. TARDIF
Print Name: Mona J. Tardif
Notary Public
My commission expires: 05/09/2017

I=has knowledge
O=observed

Plaintiff in care of her attorney on or about 06/06/11, and this Complaint is filed within 90 days of receipt of the Dismissal and Notice of Rights.

STATEMENT OF FACTS

12. Michele M. Walker was employed as Clerk of the Littleton District Court n/k/a the NH Second Circuit-Littleton District Division commencing on or about 11/09/96. At all times, she was qualified for the position and performed her job well.

EK JM 13. During the course of her employment from the winter of 2007 until she left work on or about 08/20/09, Plaintiff was subjected to severe and/or pervasive sexual harassment which created a hostile work environment. Said harassment included, but was not limited to:

PK EK JM LF a. Repeated requests by coworkers to participate in homosexual activity even though she was known to be heterosexual and married;

PK EK JM LF b. Coworkers repeatedly and openly discussing openly participating in homosexual activities with one another;

PK EK JM LF c. Coworkers bringing in and showing pictures of homosexual parties they were involved in.

EK JM LF d. Comments such as:

EK JM LF i. "I can still land a guy in his twenties;"

PK EK JM LF ii. "I gave the bailiff a blowjob and he never had it done with a tongue ring before;"

PK EK JM LF e. Numerous sexual comments made back and forth between two or three coworkers about a judge of the Littleton District Court, which for purposes of decency the comments will not be set forth herein. In fact, coworker M. Brown ('Brown') openly discussed her sexual feelings for this judge;

PK EK JM LF f.

Sexually offensive jokes;

PK EK JM LF g.

Coworker L. Gilman ("Gilman") lifting up her shirt showing her belly ring to Plaintiff and asking if Plaintiff wanted to see her nipple rings;

EK JM LF h.

Plaintiff picked up the Family Division phone to cover for absent

coworkers when a male voice said, "Hello, Mrs. Blowjob. You were good last night."

When Plaintiff identified herself, the individual hung up;

PK EK JM LF i.

In 2008, Gilman circulated a sexually explicit joke via email. Instead of it going to Plaintiff's email, it went to M. Walker at Lancaster Probate Court who contacted Plaintiff and stated she did not like the email and found it very offensive. To the best of Plaintiff's knowledge and belief, M. Walker filed a complaint with the Administrative Office of the Courts against M. Brown;

EK JM LF j.

In the beginning of 2009, Brown made phone calls back and forth with her boyfriend and then announced to everyone that she would be going home for a very long lunch hour, that she could not wait to see her boyfriend because "they had things to catch up on," insinuating sex. Brown was gone for two hours. When Brown returned, she had on a different set of clothes. When asked why she changed her clothes, Brown stated she had no choice;

PK EK JM LF k.

Brown, referring to a NH State Trooper she thought was attractive stated, "I just want to lick his teeth;" and,

PK EK JM LF l.

On or about 08/17/09, Brown asked Plaintiff if her husband could "still get it up or does it not work anymore," referring to an erection.

JM 14. During the course of her employment from the winter of 2007 forward, Plaintiff was subjected to a hostile work environment and retaliation, including but not limited to the additional following events:

PK JM a. L. Towle ('Towle'), a coworker of Plaintiff, calling her a bitch on several occasions;

PK JM b. Towle yelling and screaming in her face on numerous occasions;

JM c. Towle saying to Plaintiff such things as, "I hate you," "You're such a princess," and "I don't have to listen to you."

PK JM d. On or about 07/21/09, Towle made a comment that she had a lot of knives at home with lots of names on them and then looked directly at Plaintiff and smirked;

PK JM e. On or about 08/11/09, Towle became red-faced and angry, yelling at Plaintiff, "I told you not to answer my phones or wait on the customers!"

PK JM f. On or about 08/12/09, Towle again became red-faced and angry toward Plaintiff. Towle was so angry that her hands were shaking, and she said, "Go ahead, talk to Brown, bitch. It won't do you any good now. They will believe me not you!" At this point, Plaintiff became scared for her safety at work;

PK JM g. On or about 08/13/09, Towle approached Plaintiff on at least three occasions that day, yelling and red-faced; and,

PK JM h. Plaintiff observed other improper activities at work which were contrary to various public policies, including but not limited to the following:

PK JM i. Towle telling Plaintiff that she went with her son to her ex-husband's house in the middle of the night so he (the son) could write foul things

on the ex-husband's vehicle. Plaintiff reported this to Judge Cyr, Brown and P. Kozlowski ("Kozlowski"). Nothing was done about it;

PK JM ii. Towle discussing her personal legal problems with her attorney in a loud and very upset manner at the court window during business hours;

PK JM iii. Towle reviewing financial information in confidential documents submitted to the Littleton Family Division for her own dating purposes;

PK JM iv. On or about 08/17/09, Brown sat at a spare desk in the District Court office and shopped for a car online most of the day.

15. Despite Plaintiff having made multiple complaints to her supervisor, Kozlowski, regarding the sexual harassment, hostile work environment, and inappropriate activities of coworkers as set forth in court policy, Plaintiff was actively discouraged by Kozlowski from bringing the nature of the incidents to light and informed Plaintiff she was afraid of what would happen to Plaintiff if she reported the incidents. Kozlowski failed/refused to take corrective action to report Plaintiff's complaints in accordance with the court's harassment policy, or to take other steps to help Plaintiff escape said harassment. Kozlowski repeatedly told Plaintiff that G. Apicelli ("Apicelli"), Kozlowski's direct supervisor, did not like Plaintiff, that the incidents were occurring in the Family Division and were, therefore, outside of Kozlowski's ability to do anything about them, that Brown was one of Apicelli's "golden girls," and Plaintiff should not make any complaints against Brown if she knew what was good for her.

16. To the best of Plaintiff's knowledge and belief, Apicelli was in charge of the Family Division as well as being Kozlowski's direct supervisor.

Brown

Knowledge Observed

13a

13b

13c

13d i

13d ii

13e

118-119

118-119

13f

13g

13h

121

13i

122

13j

122-123

122-123

13k

13l

14a

14b

14c

14d

73, 75, 80, 81

73, 75, 80, 81

14e

124, 125

14f

14g

14h i

125, 126

125, 126

14h ii

14h iii

14h iv

128, 129

128, 129

47-129

EX 3B

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Estate of Michele M. Walker, Charles E. Walker,
Administrator

VS NO: 1:11-CV-421-PB

State of New Hampshire - Administrative Office of
the Courts and State of New Hampshire - NH Second
Circuit Littleton District Division -
Administrative Office of the Courts

DEPOSITION OF MICHELLE BROWN

This deposition taken by agreement of counsel
at the Office of the Attorney General, 33 Capitol
Street, Concord, New Hampshire, on Friday,
October 22, 2012, commencing at 9:05 A.M.

1 that you needed to call Michele?

2 A I spoke -- I reached out to Gina during this
3 whole exchange, and this response was based on
4 my guidance from my administrator, from Gina,
5 and then when I sent her the e-mail where
6 Michele says she is going to be contacting HR,
7 Gina told me to pick up the phone and just
8 call her, figure out what it is about.

9 Q And when you say this e-mail, AOC 1437?

10 A Correct.

11 Q And when you called Michele, do you recall
12 what she told you?

13 A She told me she had concerns about Lisa
14 copying her, and her hair.

15 Q Had she ever complained to you about that
16 before?

17 A No. About her hair, there was mention of a
18 birthday that took place, and I think it was
19 Martha's birthday, and that Lisa made a
20 comment about the knife, and Michele thought
21 it was directed towards her. I don't remember
22 what else she had told me. I took notes that
23 day when I spoke to her.

1 MS. DEMPSEY: Wait for a question.

2 Q We are looking at Exhibit 15, and let me
3 switch originals for you.

4 When were these notes from?

5 A I don't remember this first page that is on
6 here, but it looks like the pages thereafter
7 are me just writing down the things she is
8 telling me, and I can remember being really
9 quiet during the phone call and telling
10 Michele, I want to let you know I am still
11 here, I am just taking notes about everything
12 you are telling me.

13 She was telling me an awful lot.

14 Here is the reference to the knife. This
15 definitely. I just don't remember this piece
16 of it.

17 Q And you mean the first page?

18 A Correct.

19 Q But it is your writing?

20 A Yes, it is.

21 Q And let me show you this, I think this is your
22 typewritten version of that, and let me know,
23 take a look at it, and I will have it marked

1 A Having an outburst, would be inappropriate.

2 Q Lisa forbids Michele to help customers
3 regarding pulling forms, is that appropriate
4 or inappropriate?

5 MS. DEMPSEY: Objection as to form.

6 You can answer.

7 A Both courts should help each other out.

8 Q What about the report that "Lisa has an
9 attitude, gives angry looks and is
10 disrespectful," would that be conduct that
11 should occur?

12 A Which one is that? That is not good conduct,
13 I guess.

14 Q Michele reported to you she couldn't work with
15 Lisa due to her insubordination.

16 A Is there a question?

17 Q Did Michele report that to you?

18 A That is what she told me in that phone call.

19 Q And the next paragraph is about the birthday
20 cake.

21 "They had cake, and when Stan got
22 the knife, Lisa made a comment something like
23 I have a special knife for special people and

1 was looking at Michele."

2 Was that a comment that was of
3 concern to you?

4 A I just learned of it. This is again, this is
5 what -- I am describing what Michele had told
6 me over that phone call.

7 Q And my question is, after the phone call,
8 thinking back about the conversation, the
9 comment of the knife, was that something that
10 raised a concern to you?

11 MS. DEMPSEY: Objection as to form.

12 You can answer.

13 A This didn't raise -- No, it didn't when I
14 heard that.

15 Q If, in fact, that happened, would that concern
16 you?

17 MS. DEMPSEY: Objection as to form.

18 You can answer.

19 A I guess it depends in what context it was
20 said. I can't --

21 Q "I have a special knife for special people,
22 and was looking at Michele"?

23 A If she said that --

1 Q Could you turn to page 4, and look at number
2 13, and I know you are only there every few
3 weeks at Littleton District Court, correct?

4 A I could have been there every week, every
5 other week. I could have been there for an
6 extended period of time. It all depended on
7 the use -- there was no set schedule. It is
8 not necessarily every few weeks. It could be
9 once a week. I could have been there for an
10 extended period of time, or again, I could
11 have been there once a month. It was just all
12 about need.

13 Q And in July and August of 2009, you don't
14 recall how often you were there?

15 A I don't, no.

16 Q Looking at number 13, if you could go through
17 to yourself, and read A and then B and then C,
18 and let me know -- if you get to one where you
19 know, have any factual knowledge about the
20 allegations?

21 MS. DEMPSEY: Objection as to form.

22 Q We can go through each one. Number 13A, I am
23 not going to read it into the record. You can

MICHELLE BROWN

October 22, 2012

	Page 118		Page 120
1	read it to yourself, and then I will ask you a question.	1	it was not me saying it. I was the recipient of the joke.
3 A	Okay.	3 Q	Page 5, number F at the top, do you recall any sexually offensive jokes?
4 Q	Do you know anything about that?	5 A	I don't recall any specifically.
5 A	No.	6 Q	Do you remember some of that nature?
6 Q	B, do you know anything about B?	7 A	We would joke around. I don't remember any sexual jokes, but we would joke around about any number of things, and I guess there could have been a sexual joke of some sort.
7 A	No.	11 Q	But you don't recall any now?
8 Q	How about C?	12 A	No.
9 A	No.	13 Q	What about Lynn Gilman, number G.
10 Q	How about D-i?	14 A	No.
11 A	No.	15 Q	But you are aware she has a belly ring?
12 Q	How about D-ii?	16 A	I know she did.
13 A	No.	17 Q	How do you know that?
14 Q	Do you even know who that refers to, D-ii?	18 A	I don't know how I know, but I know she had one.
15 A	No.	20 Q	Had you seen it?
16 Q	E?	21 A	I don't know if I have or not. I think -- I don't know. I don't know. I think I did. I think she actually bought a piece of jewelry
17 A	I know what this is in regards to.		
18 Q	What is it in regards to?		
19 A	Michele had said that I had made comments about Judge MacLeod and whether or not he wore underwear or boxers, something to that effect.		
20 Q	Had you made any comment about that?		
21 A	I did.		
	Page 119		Page 121
1 Q	And when, approximately, was that?	1	once and showed it to me, but I don't recall when or anything like that.
2 A	I don't recall.	2	
3 Q	Do you remember if you made that comment more than once?	3 Q	And H?
4 A	I don't know if I did.	4 A	Yes.
5 Q	Do you remember what else you said about judge Brown?	5 Q	What do you know about that?
6 A	Judge MacLeod.	6 A	That was my ex-boyfriend who called the court, and I don't know what he said to Michele, but that is what was reported or told to me.
7 Q	I am sorry, Judge MacLeod?	9 Q	And who is that ex-boyfriend?
8 A	No.	10 A	Charles Desroches.
9 Q	Do you remember something about ordering hamburgers and beef with respect to Judge MacLeod?	11 Q	How do you spell that?
10 A	MS. DEMPSEY: Objection as to form.	12 A	D-E-S-R-O-C-H-E-S, I think.
11 Q	You can answer.	13 Q	Where does he live currently?
12 A	Not in regards to Judge MacLeod, no.	14 A	I have no idea.
13 Q	In regards to someone else?	15 Q	Where did he live at the time?
14 A	When the comment about the big beef was made to me by Michele and Brenda and others, when I was there, they knew I liked cheeseburgers, and they would say, okay, Brownie, Porfido's menu came through. You want the big beef and kind of like sexual innuendo, but it wasn't --	16 A	Boston. He lived in Boston for a period of time and then Littleton.
15 Q		18 Q	When Michele commented to you about that, did she seem upset?
16 A		20 A	No.
17 Q		21 Q	Did you apologize to her?
18 A		22 A	No. I don't remember if I did. I don't know.
19 Q		23 Q	Do you know why Charles would think you were

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	Page 122		Page 124
1	at Littleton that day?	1	to you -- strike that.
2	A It is one of the courts I work at. I don't 3 know.	2	My question is, did you witness 3 anything in B?
4	Q I?	4	MS. DEMPSEY: Is that the same 5 question for A, did she witness anything? 6 Did you witness A?
5	A I remember something about that.	7	A No.
6	Q What do you recall about it?	8	MS. DEMPSEY: Before we can have the 9 answer, we have to understand the question.
7	A That a Lancaster employee got an e-mail that 8 went to -- so Lynn sent it to the Lancaster 9 person by accident, and I remember Michele was 10 upset because the Lancaster person made an 11 issue of it, and she thought that was 12 ridiculous. That's when Michele went and 13 changed her e-mail address to be like, just 14 instead of her first initial and last name, 15 she included her middle initial so that type 16 of thing wouldn't happen again.	10	Q Let me clarify. Did you observe any of this 11 conduct, so A is no, and B is --
17	Q You remember the conversation you had with 18 Michele Walker about this?	12	A No.
19	A No, I don't remember exactly. I just remember 20 kind of the, what I had just said.	13	Q And C is no?
21	Q How about J?	14	A No.
22	A I am sure I made phone calls to my boyfriend. 23 I could have gone home, because my home was	15	Q And D, we have already talked about that 16 comment, correct, the knife comment?
		17	A Right, I didn't witness that.
		18	Q But that is what Michele reported to you?
		19	A Among other things, yes.
		20	Q How about E?
		21	A I didn't witness it.
		22	Q You are still answering, and then I will 23 follow-up.
	Page 123		Page 125
1	very close to the courthouse. I never met my 2 boyfriend at home for lunch or sex, and I 3 don't recall ever having on different clothes 4 when I went back to work.	1	A Okay.
5	Q So the last comment also you don't recall?	2	Q But Michele did complain to you about that?
6	A No.	3	A Yes.
7	Q What about K?	4	Q And F, you did witness it?
8	A I don't recall ever saying something like 9 that.	5	A No.
10	Q Is it possible you did?	6	Q Did Michele complain about it?
11	A I just don't --	7	A No.
12	MS. DEMPSEY: Object as to form.	8	Q And what about G, did you witness it?
13	You can answer.	9	A No.
14	A I don't recall saying it. It is nothing I can 15 picture myself saying, to be honest.	10	Q Did Michele complain to you about it?
16	Q L?	11	A I don't remember. No. No.
17	A No.	12	Q You don't remember?
18	Q And then number 14, starting with A?	13	A I don't remember at this point. In the 14 e-mails you showed me, I don't remember if 15 that was one of the things she complained of.
19	MS. DEMPSEY: The question is, does 20 she know.	16	Q H says plaintiff observed other improper 17 activities at work which were contrary to 18 public policies, including but not limited to 19 the following.
21	Q Does she have any information related to A?	20	My question is, did you have any observation about H little i?
22	A No.	21	A I knew --
23	Q And B, the question is did anyone report this	22	MS. DEMPSEY: The question is did

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	Page 126		Page 128
1	she observe Towle telling plaintiff?	1	Q You didn't observe it, correct?
2	Q Yes, did you observe?	2	A I did not observe it.
3	A Yes.	3	Q But it was reported to you by Judge MacLeod?
4	Q But then Towle told you something similar to	4	A MacLeod.
5	this?	5	Q And what about the next one, little iii?
6	A She told me that her son wrote with like	6	A I am not aware of it.
7	windshield marker on his dad's windshield or	7	Q You didn't observe that?
8	tailgate or something like that.	8	A I didn't observe it.
9	Q How did that come up between the two of you in	9	Q If it happened, would that be inappropriate?
10	conversation? Was she bragging about it?	10	MS. DEMPSEY: Objection as to form.
11	MS. DEMPSEY: Objection as to form.	11	You can answer.
12	You can answer.	12	A No, because we review financial stuff
13	A I don't remember how it came up in	13	every day, all of us. So I don't think -- oh,
14	conversation.	14	for her own dating purposes, I apologize.
15	Q You didn't take any action against her because	15	Wait a minute.
16	of that incident?	16	Q Read the rest of the sentence.
17	A No, I didn't.	17	A Yes, that would be inappropriate.
18	Q Did you think that was something that was	18	Q Was that ever reported to you that you recall?
19	conduct unbecoming to a judicial person?	19	A No, not that I recall.
20	A It was her son, not her.	20	Q Little iv?
21	Q Are you aware of whether she took her son to	21	A I remember I was looking for a car, and
22	do that?	22	Michele actually brought up, I think her car
23	A I don't know that.	23	was for sale at whatever the dealership is in
	Page 127		Page 129
1	Q If she had taken her son in a car for the	1	Littleton, and no, I wouldn't be on it most of
2	purpose of doing that, would that be conduct	2	the day. I know I wasn't on the internet most
3	unbecoming a judicial person?	3	of the day. I may have looked at a car
4	MS. DEMPSEY: Objection as to form.	4	online.
5	You can answer.	5	Q Okay. Thank you.
6	A I think it is unbecoming.	6	Do you know who Jay Lynn or
7	Q And Rule 27, if you want to take a look at	7	Jacqueline is in the court system?
8	that, that would be in violation of that rule?	8	A I don't know who Jay Lynn is. The only
9	MS. DEMPSEY: Objection as to form.	9	Jacqueline is a former employee in Lebanon.
10	You can answer.	10	There was a Jacqueline there.
11	A In my opinion, let me look at the rule again.	11	Q Do you know what her last name is?
12	Q For the record, my question is in your opinion	12	A Messier, M-E-S-S-I-E-R.
13	would that conduct be in violation of Rule 27?	13	Q And what was her position?
14	MS. DEMPSEY: If the conduct	14	A Court assistant 2.
15	happened.	15	Q What is the difference between a court
16	A I don't know if the personnel rule applies.	16	assistant 1 and court assistant 2?
17	Again, I don't think -- I wouldn't accompany	17	A There are no 1s. You start out as a 2.
18	my son, so I don't know. I don't think --	18	Q You are a 2, and then you are a deputy clerk?
19	it's not behavior I would encourage my own son	19	A You are really a 2 forever.
20	to do.	20	Q You still feel like a 2 at times?
21	Q Roman numeral little ii, we discussed that	21	A There really was no difference?
22	earlier?	22	I don't know. In my experience, I have never
23	A Yes.	23	seen a court assistant 1. I have only seen a

MICHELLE BROWN

October 22, 2012

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1 ERRATA SHEET AND CERTIFICATE OF WITNESS

2 In accordance with the rules of procedure
3 governing depositions, you are entitled to read and
4 correct your deposition transcript. Please read
5 your deposition, and on this errata sheet make any
6 necessary corrections or changes, either in form or
7 substance. Identify those corrections/changes by
8 page and line number, stating the change and the
9 reason. Please do not mark the actual transcript.
10 (Make extra copies of this sheet if you need to
11 indicate more changes or corrections than will fit
on this one page.) When completed, date and sign
the errata sheet and have your signature notarized.

I, MICHELLE BROWN, do hereby certify that I
have read the foregoing transcript of my testimony,
and further certify that it is a true and accurate
record of my testimony given on October 22, 2012,
(with the exception of the corrections listed
below):

PAGE LINE CORRECTION AND REASON FOR CORRECTION

13 53 5 my answer was yes it would be inappropriate

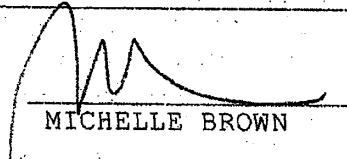
14 _____

15 _____

16 _____

17 _____

18 _____


MICHELLE BROWN

19 STATE OF New Hampshire
20 COUNTY OF Belknap
21 Subscribed and sworn to before me this 28th
day of November, 2012.

22 Attuaal Agueek
23 Notary Public J.P. ✓
My commission Expires: 12/25/17

Kelly

Agrees Would be
Harassment?

Observed

13a

13b

13c

13d i

13d ii

13e

13f

83-84

13g

Yes

13h

13i

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13k

13l

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14h i

14h ii

14h iii

14h iv

83-84

Ex 3c

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Estate of Michele M. Walker, Charles E. Walker,
Administrator

VS NO: 1:11-CV-421-PB

State of New Hampshire - Administrative Office of
the Courts and State of New Hampshire - NH Second
Circuit Littleton District Division -
Administrative Office of the Courts

DEPOSITION OF EDWIN W. KELLY

This deposition taken by agreement of counsel
at the Office of the Attorney General, 33 Capitol
Street, Concord, New Hampshire, on Wednesday,
November 7, 2012, commencing at 8:52 A.M.

EDWIN W. KELLY

November 7, 2012

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1	to in my decision as being used.	1	(The record was read.)
2	I think that is probably it.	2	A Assuming as well that they were unwelcome and
3	Q And why was your report completed in July as	3	offensive to the person making the complaint,
4	opposed to May or August?	4	yes.
5	MS. DEMPSEY: Objection as the form.	5	Q And they would constitute sexual harassment in
6	You can answer.	6	that circumstance?
7	A Until Michele's death, she was out on leave,	7	A Under our policy, I believe so, yes.
8	and I believe that there was still a plan to	8	Q Did you have much contact with Michele Walker
9	have another interview with Michele when she	9	other than -- well, let me ask.
10	was able to have that interview, and so, up	10	Did you have much contact with her
11	until May when she passed away, we would have	11	during her employment?
12	been waiting for the investigation to conclude	12	A No.
13	after that interview. Once she died in May,	13	Q Did you ever, I mean, do you occasionally sit
14	then it was just a question of my being able	14	in the court where she --
15	to find the time to go through the thousand	15	A No, I never did.
16	plus pages of transcript and reach a decision.	16	Q You were administrator by then?
17	Q Did you write that report yourself?	17	A Yes.
18	A I did.	18	Q Were you upset that Ms. Walker made her
19	Q Both of them?	19	initial complaint in August of 2000 -- strike
20	A Yes.	20	that.
21	Q Do you recall any other situations in the last	21	Were you upset that she made the
22	five years where you have had to move a	22	complaint of August 13th by e-mail?
23	court -- move court clerks staff because of	23	MS. DEMPSEY: Objection as to form.
	Page 83		Page 85
1	problems getting along with others in the	1	You can answer.
2	office?	2	A No, not at all. I was concerned.
3	A None are coming to mind.	3	Q I want to ask you if you have seen Kozlowski
4	Q Do you recall ever having done that?	4	11 before, which is the binder journal of
5	A I can't remember ever moving anybody from one	5	Michele's?
6	court location to another, which is not to say	6	A I believe I have.
7	it never happened. Just can't think of any at	7	Q Do you recall if you reviewed that before you
8	the moment.	8	did your report?
9	Q I am going to ask you to look at the complaint	9	A I don't recall as I am sitting here, but I did
10	which we have marked as Knapp 8 and look at	10	carefully in the report indicate, I believe,
11	paragraph 13, and my question for you is, if	11	everything I did review in the report. So if
12	all of these things had happened, would you be	12	it is not in that opening paragraph, I didn't
13	of the opinion that the environment would be	13	use it in the report.
14	hostile?	14	Q Kozlowski 12, handwritten notes, the personal
15	MS. DEMPSEY: Objection as to form.	15	notes written from July 1st through August 13?
16	You want him to review all of the allegations	16	A I don't have a recollection of having seen
17	in 13?	17	these.
18	Q Paragraph 13, which goes to the next page,	18	Q And if you had, it would be -- and you
19	too.	19	considered it, it would be referenced in your
20	MS. DEMPSEY: If you could indicate	20	report?
21	when you are done reading everything, and then	21	A Yes.
22	we can have the question read back.	22	Q And what we have marked as Kozlowski 13, I
23	A Okay.	23	think this is the -- can you identify if this

22 (Pages 82 to 85)

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November 7, 2012

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1 report about her to the state police?
 2 MS. DEMPSEY: Objection as to form.
 3 You can answer.
 4 A I am concerned that the facts that at that
 5 point I had believed were unfounded were
 6 reported to the state police that it might
 7 have the effect of defaming an employee in the
 8 court.
 9 Q Or it could lead to credibility to Michele's
 10 fear, correct?
 11 A No. A report to the state police, you mean?
 12 Q Right.
 13 A No, I don't think that lends credibility to
 14 anybody's fear, necessarily.
 15 Q After Michele made the report on November 9th,
 16 2009, were you even more set in your mind that
 17 you wanted to continue on a
 18 disciplinary/termination track?
 19 A I think at that point, it was clear to me that
 20 there were a lot of things going on there that
 21 I was not aware of based upon the August 13th
 22 e-mail, and that we needed to get to the
 23 bottom of exactly what it was.

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1 Q Do you recall having any discussions with
 2 anyone after -- other than counsel, after the
 3 November 9th letter about terminating Michele?
 4 A Other than -- I don't have any specific
 5 recollection of a conversation with anyone.
 6 However, as these things go, it certainly
 7 would have continued to be on the table absent
 8 further explanation. Not that it was
 9 concluded. Not that that is what we would
 10 have done, but it certainly would have been
 11 something that was on the table.

MS. JOHNSON: That is all I have.
 (TIME NOTED: 12:33 PM)

1 ERRATA SHEET AND CERTIFICATE OF WITNESS
 2 In accordance with the rules of procedure
 3 governing depositions, you are entitled to read and
 4 correct your deposition transcript. Please read
 5 your deposition, and on this errata sheet make any
 6 necessary corrections or changes, either in form or
 7 substance. Identify those corrections/changes by
 8 page and line number, stating the change and the
 9 reason. Please do not mark the actual transcript.
 10 (Make extra copies of this sheet if you need to
 11 indicate more changes or corrections than will fit
 12 on this one page.) When completed, date and sign
 13 the errata sheet and have your signature notarized.

14 I, EDWIN W. KELLY, do hereby certify that I
 15 have read the foregoing transcript of my testimony,
 16 and further certify that it is a true and accurate
 17 record of my testimony given on November 7, 2012,
 18 (with the exception of the corrections listed
 19 below):

PAGE	LINE	CORRECTION AND REASON FOR CORRECTION
13		
14		
15		
16		
17		
18		

EDWIN W. KELLY

19 STATE OF _____
 20 COUNTY OF _____
 21 Subscribed and sworn to before me this _____
 22 day of _____, 2012.
 23 Notary Public _____ J.P.
 My commission Expires: _____

1

C E R T I F I C A T E

2 I, Rebecca Lynn Metea, a Licensed Court
 3 Reporter, in and for the State of New Hampshire, do
 4 hereby certify that the foregoing is a true and
 5 accurate transcript of my stenographic notes of the
 6 deposition of EDWIN W. KELLY, who was first duly
 7 sworn, taken at the place and on the date
 8 hereinbefore set forth.

9 I further certify that I am neither counsel
 10 for nor related to or employed by any of the
 11 parties to the action in which this deposition was
 12 taken, and further that I am not a relative or
 13 employee of any attorney or counsel employed in
 14 this case, nor am I financially interested in this
 15 action.

17

18

19

20

Rebecca Lynn Metea
 Licensed Court Reporter
 Certificate Number 39

21

22

23

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Knapp

Knowledge Observed

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13b

13c

13d i

13d ii

13e

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14h iii

14h iv

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Ex 3D

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Estate of Michele M. Walker, Charles E. Walker,
Administrator

VS NO: 1:11-CV-421-PB

State of New Hampshire - Administrative Office of
the Courts and State of New Hampshire - NH Second
Circuit Littleton District Division -
Administrative Office of the Courts

DEPOSITION OF BRENDA KNAPP

This deposition taken by agreement of counsel
at the Office of the Attorney General, 33 Capitol
Street, Concord, New Hampshire, on Friday,
October 19, 2012, commencing at 9:05 A.M.

1 A There were a lot of complaints. Michele did
2 not get along with Lisa, and honestly, I don't
3 know the list. I mean, it would go on and on.

4 Q Do you remember any of the things that Michele
5 would complain about with respect to Lisa?

6 A Yes. One day, Judge Macleod was there, and
7 there was discussion about Lisa, her attorney
8 was there, and she was talking about her
9 divorce, and I know that was an issue. I
10 don't know all the details, because I think
11 that was with Judge Macleod and Michele.

12 Q Were you there at the time of that
13 conversation?

14 A I was there that day.

15 Q Did you overhear the conversation?

16 A No, I am sorry.

17 Did you ever overhear the
18 conversation that Lisa had with her counsel?

19 A No, as to what they were saying, I didn't
20 know. I didn't hear it.

21 Q You saw the conversation occur from a
22 distance?

23 A I couldn't see them even from my desk. It was

1 just Michele had mentioned that, had said
2 Judge Macleod -- I don't know if the judge
3 heard her. Judge Macleod was there that day.
4 I don't know who heard Lisa, or if it was him
5 or her or Michele. There was discussion about
6 her, talking about her divorce while her
7 counsel was at the window.

8 Q And the discussion was between Judge Macleod
9 and Michele?

10 A Right. Yes.

11 Q And do you know whether Michele and Judge
12 Macleod thought that was inappropriate?

13 A Yes.

14 Q Do you know how Michele dealt with it?

15 A I don't.

16 Q What other complaints do you remember that
17 Michele had about Lisa?

18 A As far as specifics, I don't remember
19 specifics. I do remember Michele saying she
20 was bad. She should never have gotten the
21 job, that kind of thing, but as far as
22 specifics, I don't recall.

23 Q In this office that is shown in the pictures,

1 A No. I am just trying to think here -- If I go
2 in. You can see what is entered by the name
3 of the document into --

4 Q And you don't remember who told you about the
5 petition dealing with running Tammy off the
6 road?

7 A No.

8 Q Could it have been Michele?

9 A Yes.

10 Q Did -- you don't remember Michele telling you?

11 A No.

12 Q Do you remember a complaint that Lisa had
13 taken -- do you remember a complaint that Lisa
14 had said she took her son to spray paint her
15 ex's car?

16 A No, not spray paint.

17 Q What was it?

18 A I don't know if he had soap. I just remember
19 there being conversations about him wanting to
20 write on his father's car or something. I
21 don't know if it was soap or what it was. It
22 wasn't paint. Whatever it was would wash off.

23 I just remember thinking, just

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1	hearing that. I don't remember that she took him either. I know she was -- I think Lisa mentioned it.	1	A I think it was when he was seeing Tracy Ash, because I think that was the girlfriend, but I am not 100 percent sure.
2		2	Q Yes, I don't know what time period that is.
3		3	How long would you say that Michele left work that was an occurrence?
4	Q That she was thinking of doing that?	4	A I don't know.
5	MS. DEMPSEY: Objection as to form.	5	Q Do you remember when Lisa started?
6	You can answer.	6	A I don't. The year?
7	A No. I remember the conversation being that the father wouldn't acknowledge the kids if his girlfriend was with him, and he wanted to write -- I don't even know what he was going to write on his father's car.	7	Q I know --
8		8	A Let's see, I don't know the year. It was Lynn
9		9	Pucillo, and then -- I think we had floaters
10		10	for a little while.
11		11	12 Lynn who?
12	Q Lisa was thinking about taking him?	12	A Pucillo. She was there when I went there,
13	A I don't know if Lisa was going to take him. I	13	14 family division.
14	don't know if she picked him up. I don't	15	15 Q How do you spell that?
15	remember that part.	16	A P-U-C-I-L-L-O.
16	Q Do you remember Michele telling you about	17	17 Q She was in family division when you got there?
17	that?	18	18 A Yes, and then she left, and it was, I think
18	A I thought there was a little discussion in the	19	19 Linda Gray covered for a while. It seems like
19	office. I don't know if Lisa was telling us	20	20 somebody else was in there covering, too, but
20	something about it or Michele -- I remembered	21	21 I can't remember who, and then they hired
21	the incident being discussed.	22	
22	Q Do you remember Michele talking about it being	23	
23	inappropriate?		
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1	A Oh, yes.	1	Audrey Thoreau, and I think Lisa was after
2	Q Did she talk about that in front of Lisa or	2	Audrey. This is my best recollection.
3	just to you?	3	Q I know it has been awhile, so I am not going
4	A I don't remember.	4	to hold you to the exact chronology.
5	Q And did you agree that it was inappropriate if	5	5 How long would you say Lisa worked
6	Lisa were to do that with her son?	6	6 there while Michele worked there?
7	A Yes.	7	7 A I don't know. I don't know how long Lisa
8	Q It wouldn't reflect good on the court, would	8	8 was -- when she started, specifically.
9	it?	9	9 Q Would you say it was at least year, year and a
10	MS. DEMPSEY: Objection as to form.	10	10 half?
11	You can answer.	11	11 A You know, I don't know. I would have to have
12	A Correct.	12	12 all the stuff in front of me and research it.
13	Q Did Michele seem to be upset about Lisa	13	13 Q That is okay. Thanks.
14	mentioning this activity?	14	14 Did Michele seem concerned about the
15	A My recollection was maybe some discussion. I	15	15 allegations against Lisa, the stalking
16	don't remember it --	16	16 petitions, the running the car off the road,
17	Q Do you remember if Michele reported that to	17	17 the going to spray paint -- not spray paint,
18	Ms. Brown?	18	18 going to do something to somebody's car?
19	A I have no idea.	19	19 A Yes.
20	Q Do you remember what time period that was?	20	20 Q Did she tell you that?
21	A I don't --	21	21 A Yes, she didn't -- she was not liking it, and
22	Q The question is, do you remember what time	22	22 it shouldn't be happening.
23	period?	23	23 Q Did she seem -- did she tell you she thought

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1 Lisa was unstable or untrustworthy, or what
 2 did she tell you about Lisa?
 3 A Honestly, the list, I don't know specifics. I
 4 mean it was just a general, Lisa shouldn't
 5 have the job. Somebody else should have the
 6 job. She is not good enough for it.
 7 Whatever. Specific words, I don't know, it
 8 was just a given.
 9 Q Just taking the incident with yelling at her
 10 daughter, Lisa yelling at her daughter off the
 11 fire escape, and the son, with whatever was
 12 going on with the car, in your opinion, did
 13 that make Lisa someone who was not really a
 14 desirable court clerk?
 15 MS. DEMPSEY: Objection to form.
 16 You can answer.
 17 A First of all, assuming that that is the whole
 18 story and those are true, of course not. You
 19 don't behave that way, but again, the daughter
 20 thing on the fire escape, I don't remember if
 21 the answer to that was that they weren't
 22 arguing, they were trying to talk over the
 23 noise to see what the girl wanted or was

1 about Lisa taking her son to do something to
 2 her ex's car, would you still think that is
 3 inappropriate?
 4 A Absolutely.
 5 MS. DEMPSEY: Wait for the question.
 6 Q I know. Let me ask it again.
 7 If only the incident was true about
 8 Lisa taking her son to do something to her
 9 ex's car, would you think that that would
 10 reflect badly on her as a court employee?
 11 MS. DEMPSEY: Objection to form.
 12 You can answer.
 13 A Yes.
 14 Q And Lisa herself talked about doing something
 15 with her ex's car and her son, correct?
 16 A There was an incident, and again, I don't know
 17 if she took the boy, if she picked the boy up
 18 or whatever. I don't recall the details, but
 19 there was something about that, yes.
 20 Q Do you think that incident could be deemed to
 21 be something that shows that Lisa is not
 22 stable?
 23 MS. DEMPSEY: Objection to form.

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1 asking for, or something like that. I don't
 2 recall the whole story, but to answer that
 3 question, you know, it would be assuming
 4 everything was true.
 5 Q Okay. Do you think you heard that excuse, it
 6 was noisy, from Lisa?
 7 A I don't know if it was Lisa talking to Michele
 8 even about it, because I think Michele may
 9 have said something to her. I am not sure at
 10 the time when she came back in or something.
 11 Honestly, I don't remember.
 12 Q Don't you think if it was noisy on the fire
 13 escape, that they would talk inside?
 14 MS. DEMPSEY: Objection to form.
 15 You can answer.
 16 A The daughter wasn't in the building.
 17 Q So the daughter was not on the fire escape?
 18 A My understanding, and again, I wasn't there.
 19 I didn't see it. I thought the daughter, from
 20 what I had heard from them, was down on the
 21 ground level.
 22 Q Okay. That makes a little more sense.
 23 So if only the incident was accurate

1 You can answer.
 2 A Well, I would not think that anyone would do
 3 that. I mean, I don't know what else to say.
 4 I mean, that is just not acceptable. You
 5 don't do that.
 6 Q I am going to forget her last name.
 7 Were you at Martha's birthday party
 8 in 2009?
 9 A Yes.
 10 Q What is her last name?
 11 A Kennett.
 12 Q K-E-N-N-E-T?
 13 A -- T.
 14 Q You were at her birthday party?
 15 A Yes.
 16 Q How many people were there?
 17 A Whoever was there that day. Probably it was a
 18 court day. Martha was there. I imagine the
 19 judge, Martha, myself, Michele, Lisa. I know
 20 Stan was there, and that must have been
 21 Chuck's time, too, I am guessing.
 22 Q I don't want you to guess.
 23 A I don't remember.

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1 Q	You remember Stan though?	1	judge's desk and the table is, and where
2 A	I believe Stan was there.	2	people were standing at the time of the
3 Q	And we are looking at Exhibit 3, where would	3	comment, if you remember?
4	that --	4 A	(Witness complied.)
5 A	Right in chambers. We always put the cakes on	5 Q	So the file cabinets -- I am confused where
6	the chamber table.	6	those are?
7 Q	Did you have a kitchen area or anything?	7 A	As you walk into chambers.
8 A	No. We got a little microwave on a little	8 Q	From the district division?
9	stand here, and we used the water in the	9 A	Right. The judge's desk is over by the
10	bathroom here, and --	10	windows. The chamber table kind of hooks onto
11 Q	Okay. And what do you remember about Martha's	11	his desk and goes directly across the room,
12	party that year?	12	big table. The little table that we have that
13 A	She turned 50. There was black.	13	holds up the microwave and coffee cups and all
14 Q	There was black, okay, black streamers?	14	of that is right here next to the door that
15 A	Yes, and I remember the whole story about the	15	goes into the courtroom, and then on the other
16	knives. And I can't remember if it was	16	side of the table are two file cabinets.
17	Michele that brought it up or Lisa, but Lisa	17 Q	Before you get done with that, do you know if
18	said something about knives, and I am not even	18	the knife comment was made where people were?
19	remembering how it was phrased, but she had	19 A	I don't. Everybody was just around the table,
20	said something about her ex-husband, and I	20	waiting for cake.
21	don't know if it was because the child support	21 Q	You said you remember -- well, you believe
22	was late again, or what was going on, but then	22	Michele thought the comment was about her.
23	she made an off-the-cuff comment about a	23	What makes you say that?
	Page 99		Page 101
1	knife, like as a joke, in the room, and I	1 A	I don't remember if Michele said something or
2	think Michele took it to mean Michele, but I	2	Lisa said something or even when it was or if
3	am not --	3	it was from this investigation, but that is my
4 Q	What do you remember Lisa saying?	4	recollection.
5 A	You know, I don't even remember. I know she	5 Q	Is that Michele thought it was about her?
6	said something about a knife. How she worded	6 A	Right.
7	it, and what her intent was, it was something	7 Q	And you don't remember if Michele talked to
8	about -- I don't know. I could use a knife.	8	you about that or if you just learned it in
9	I don't remember how it was worded.	9	the investigation?
10 Q	Do you remember something about maybe -- I am	10 A	Right. It has been very difficult trying to
11	going to ask if this is accurate because this	11	remember separate what was then and what you
12	is what I have learned in this case is the	12	have learned.
13	allegation is that Lisa said she had plenty of	13 Q	Do you remember talking to the investigator
14	knives -- Stan asked if anyone had a knife,	14	about the knife incident?
15	and Lisa said something to the effect, I have	15 A	No.
16	plenty of knives at home with names on them,	16 Q	Let me clarify that. Were you -- do you
17	something in that regard.	17	remember being interviewed by Paula Hurley
18 A	I don't know.	18	about the knife incident?
19 Q	Can you tell me looking at the judge's	19 A	Paula did call and ask questions, and was that
20	chambers, and we will both look at it, so the	20	a specific question, I don't remember.
21	bottom where the sticker is, looking at the	21 Q	But if she asked you about it, you would have
22	judge's chambers, can you -- I will have you	22	told her, about the knife comment?
23	draw again, draw where the table -- where the	23 A	Yes.

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1 Q Do you remember being asked about it with
2 Christine Howe during that investigation?
3 A Yes.
4 Q And do you remember saying -- do you remember
5 saying the same thing you said today?
6 A I don't remember. I would have to look again.
7 Q And do you remember anyone else, other than
8 Paula Hurley or Christine Howe and myself and
9 maybe counsel, asking you about the knife
10 incident?
11 A I don't know. I don't know if Michele ever
12 did or Lisa, I don't know.
13 Q Do you remember approximately when that was
14 that this knife incident occurred?
15 A Let's see, it was a July date because it is
16 Martha's birthday.
17 Q I will tell you Michele filed her first
18 complaint August 13th?
19 A All right. It must have been July just before
20 then.
21 Q So it would be probably towards the end of
22 July, Martha's birthday?
23 A I think Martha is a Cancer. That would put

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1 Q Had she ever had voluminous complaints about
2 any other employee?
3 A Yes, a lot of it was the family division.
4 Q Well, when Michele started there, they had a
5 family division, right?
6 A Right.
7 Q It wasn't something that was new and imposed
8 on her, as far as you know?
9 A No, wait, when Michele started there, it was
10 just district court. While she was there, I
11 am pretty sure, it was while she was there
12 that me moved family court in.
13 Q That is when she moved file cabinets and
14 decorated?
15 A No, that is when the pilot program started
16 with family division. The whole remodeling,
17 this whole thing, was later. Family division
18 had been in with district court for many
19 years.
20 Q Okay. So when Michele started, family
21 division was in with district court? It
22 wasn't like there was no family division?
23 A I think when she started at the court, I think

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1 her towards the front.
2 Q I have no idea. I know when Taurus is and
3 Pisces.
4 A That is my recollection.
5 Q Can't help you on that one.
6 Whenever Martha's birthday is, that
7 was the knife incident?
8 A At least her celebration, if she was at the
9 court on her birthday.
10 Q After that knife incident, did you notice
11 anything different about Michele?
12 A No.
13 Q Do you recall Michele ever telling you she was
14 afraid of Lisa?
15 A No.
16 Q You don't recall though all the complaints
17 that Michele had about Lisa?
18 A Like I said, it was ongoing. It was just a
19 way of life.
20 Q You worked with Michele since 2000?
21 A Uh-huh.
22 Q Yes?
23 A Yes.

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1 that there was no family division. I think
2 everything was still in superior court,
3 because I remember her telling me about some
4 of the file cabinets that family was using
5 were actually the district ones, but they had
6 been given to family when they were moved in
7 to begin their pilot program.
8 Q What other employee did Michele ever have a
9 lot of complaints about?
10 A Like I say, it was -- trying to move family in
11 and squeeze everybody in was tight, so you
12 know there were -- if they weren't as busy as
13 we were, and you know, could they do some of
14 our work, too. There were always these little
15 things going on between the divisions.
16 Q But that is different than having a complaint
17 up against one specific individual on a
18 routine basis, right? As I understand it, you
19 are saying Michele had some complaints about
20 meshing the two and dividing the two?
21 A Right.
22 Q But was there any particular employee other
23 than Lisa Towle that she routinely complained

1 should say, and ask you if -- well, have you
2 ever seen the complaint before, and I am going
3 to have one marked as Exhibit 8.

4 (Whereupon, the court reporter
5 marked Exhibit Number 8, Complaint, for
6 Identification.)

7 Q Let me switch documents with you since she has
8 marked mine. My question is, have you ever
9 seen this before?

10 A It looks like the same thing.

11 Q The same thing as what?

12 A That I have seen.

13 Q That you have seen since your interviews, not
14 at your interviews, right? This is dated
15 August 2011?

16 A Yes.

17 Q I would like you to turn to page 4.

18 I would like you to start from
19 paragraph 13 and just read through there and
20 tell me as you go through each numbered letter
21 whether you know anything about what is listed
22 in that letter or number. So for example, if
23 you read 13 and there is nothing there --

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1 MS. DEMPSEY: 13 up to A?
 2 MS. JOHNSON: I am asking her to
 3 read, starting at number 13 and read through
 4 and tell me when she gets to any part that she
 5 has any factual information about.
 6 MS. DEMPSEY: Objection as to form.
 7 Q We can start with 13A?
 8 A It is absolutely not.
 9 Q I can ask each one, individually, but I would
 10 ask if you read the next one to yourself and
 11 read through it and tell me if any of those
 12 things you have any information about
 13 happening?
 14 A Okay. B, absolutely not. C, absolutely not.
 15 D, no. No. E, no. F, I am reading that as
 16 if I thought she was ever offended? I would
 17 say, no.
 18 Q I am asking whether there were any sexually
 19 offensive jokes.
 20 A Offensive. There has been banter, but I don't
 21 recall anyone thinking that it was
 22 over-the-top type of offensive. I think it is
 23 important that that be understood.

1 was there that day.
 2 Q Do you think it was her that made the comment?
 3 A Could have been.
 4 Q Where does she work now?
 5 A Laconia, I think, yes. She is the clerk.
 6 Q Do you remember any other comments that
 7 Ms. Brown made about the judge?
 8 A No. I mean specifically, no.
 9 Q G.
 10 A No.
 11 Q H?
 12 A Yes, I remember that phone call came in.
 13 Q And tell me about that.
 14 A Michele Walker answered the phone that day,
 15 and this is what she told me he said, and that
 16 he hung up.
 17 Q You observed her answer the phone?
 18 A Yes.
 19 Q And did she seem offended to you?
 20 A She didn't like it. She thought it was --
 21 Q She thought it was what?
 22 A Inappropriate.
 23 Q Do you know if she reported that to Michelle

Page 147

Page 149

1 Q What kinds of banter do you recall?
 2 A Specifics? You know, I don't know the
 3 specific things. I mean it was just -- every
 4 once in a while, as a joke or an e-mail or
 5 something, that is not gross, but I mean, was
 6 there sexual comments made occasionally, yes.
 7 I don't recall specifics.
 8 Q Do you remember ever being offended by any
 9 sexual comments at work?
 10 A There really weren't -- No, I don't.
 11 Q Let me back you up to E for a minute. I think
 12 you took a second, a couple seconds to think
 13 about that.
 14 Q Do you remember Michelle Brown
 15 talking about a judge in that manner at all?
 16 MS. DEMPSEY: Objection to form.
 17 A You can answer.
 18 A Well, I remember the day that there was
 19 discussion about Judge Macleod's underwear.
 20 Q Do you remember when that was?
 21 A No.
 22 Q Do you remember who said what?
 23 A Specifically, no, but I know Michelle Brown

1 Brown?
 2 A I think she might have.
 3 Q Was Lisa Towle in the office that day?
 4 A No. My recollection it was just Michele
 5 Walker and I, and that was why she answered
 6 the phone.
 7 Q Okay. And I?
 8 A I remember there was an e-mail that Lynn sent
 9 that went to Madeline Walker.
 10 Q And do you remember what was in the e-mail?
 11 A I don't. I know that it was offensive to her,
 12 but I don't remember what it was.
 13 Q Do you remember if you were offended by it?
 14 A I don't even remember the e-mail to be honest
 15 with you.
 16 Q Do you remember if Michele reported to you she
 17 was offended by it?
 18 A Michele was not happy that Madeline Walker had
 19 gotten it.
 20 Q And Madeline called Michele upset that she had
 21 gotten it, right?
 22 A Called or e-mailed or something, yes. There
 23 was some kind of response from Madeline

BRENDA KNAPP

October 19, 2012

Page 150

1 Walker.

2 Q And that was at some point when -- the e-mail
3 address got messed up with the same initials?

4 A Right.

5 Q And J.

6 A I remember there being discussion that Michele
7 Walker -- I know Brown did go out to lunch
8 with her boyfriend, I believe, and I think she
9 did have a different shirt on when she came
10 back, but I don't know her and Michele
11 Walker's discussion on it.

12 Q You weren't privy to that?

13 A I don't recall, no.

14 Q Do you remember --

15 A I know she did go to lunch with him, but I
16 don't --

17 Q This says in the beginning of 2009, does that
18 sound correct to you or not?

19 A I don't know.

20 Q K?

21 A Yes.

22 Q You remember that happening?

23 A I think so, yes.

Page 152

1 Q And do you have any information about D? We
2 already discussed that. Anything else you
3 have thought about that incident?

4 A No.

5 Q E?

6 A I don't think that happened. I don't recall
7 that at all.

8 Q Okay. We should be able to get your time
9 cards for that day and see if you were even
10 there, right?

11 A You can check it, yes.

12 Q F.

13 A I don't believe that happened, no.

14 Q That's not something that Lisa would say in
15 front of you anyway, right?

16 A I never heard anything like that.

17 Q G.

18 A No, I don't believe it.

19 Q H, and I will say H little i, and that is what
20 we talked about before?

21 A Right.

22 Q Do you know if Michele reported that to Judge
23 Cyr and Ms. Brown?

Page 151

1 Q So do you remember who was apparently --
2 Michelle Brown made the comment. Michele
3 Walker was there. You were there. Was Lisa
4 there?

5 A I have no idea.

6 Q L?

7 A I don't recall that.

8 Q Do you remember Michele telling you about it?

9 A Michele wouldn't, no, we didn't talk about
10 Chuck.

11 Q So it was off limits, right?

12 A Right.

13 Q And then 14A?

14 A No.

15 Q You have no personal knowledge of that?

16 A I cannot imagine it. I don't know that
17 anybody would have dared to do it.

18 Q B?

19 A No. That didn't happen.

20 Q You weren't always there, right?

21 A Right.

22 Q And C?

23 A No.

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1 A I have no idea.

2 Q ii?

3 A We have talked about that as well.

4 Q Okay. And iii?

5 A Not to my knowledge at all.

6 Q That would be inappropriate, right?
7 MS. DEMPSEY: Objection to form.
8 You can answer.

9 A Yes.

10 Q I will ask it again, would iii be appropriate?

11 A No.

12 Q And number 4?

13 A I don't know. I remember her looking up cars
14 on the internet one day, but I don't know how
15 long it was.

16 Q How often was Ms. Brown at the courthouse
17 where you work?

18 A I don't know what her schedule was. I mean,
19 it seemed -- before she was the supervisor for
20 Lisa, she was a worker. She was Lisa. She
21 came in a few times.
22 I don't know what her schedule was?

23 Q You said she was Lisa before?

BRENDA KNAPP

October 19, 2012

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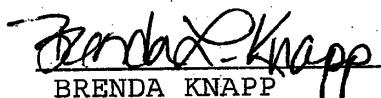
1 ERRATA SHEET AND CERTIFICATE OF WITNESS

2 In accordance with the rules of procedure
 3 governing depositions, you are entitled to read and
 4 correct your deposition transcript. Please read
 5 your deposition, and on this errata sheet make any
 6 necessary corrections or changes, either in form or
 7 substance. Identify those corrections/changes by
 8 page and line number, stating the change and the
 9 reason. Please do not mark the actual transcript.
 10 (Make extra copies of this sheet if you need to
 11 indicate more changes or corrections than will fit
 on this one page.) When completed, date and sign
 the errata sheet and have your signature notarized.

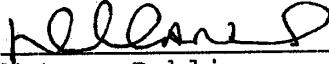
I, BRENDA KNAPP, do hereby certify that I
 have read the foregoing transcript of my testimony,
 and further certify that it is a true and accurate
 record of my testimony given on October 19, 2012,
 (with the exception of the corrections listed
 below):

12 PAGE LINE CORRECTION AND REASON FOR CORRECTION

13 7	13	"You" - You meaning Mary Ann Dempsey
14 8	7	"Northrop's" Market
15 8	7	"town" meaning "Lisbon"
16 8	14	"He" should be Karl Bruckner
17 8	21	"Gruber" should be "Bruekner"
18 50	14	"out of jail" should be "an arraignment"
19 101	11	"remember separate" should be "remember and separate"


BRENDA KNAPP

19 STATE OF New Hampshire
 20 COUNTY OF Crofton
 21 Subscribed and sworn to before me this 3rd
 day of December, 2012.

22 
 Notary Public J.P. ✓
 23 My commission Expires: 11/16/16

Kozlowski Vol. II	Agrees Would be Harassment?	Observed
13a	y	
13b	y	
13c	y	
13d i	Neither Y or N	
13d ii	y	
13e	y	
13f	y	
13g	y	
13h	Neither Y or N	
13i	y	
13j	Neither Y or N	
13k	y	
13l	y	
14a	y	
14b	y	
14c	Neither Y or N	
14d	y	
14e	y	
14f	y	
14g	y	
14h i	y	
14h ii	y	
14h iii	y	
14h iv	y	

104-111

Ex 3E

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Estate of Michele M. Walker, Charles E. Walker,
Administrator

VS NO: 1:11-CV-421-PB

State of New Hampshire - Administrative Office of
the Courts and State of New Hampshire - NH Second
Circuit Littleton District Division -
Administrative Office of the Courts

DEPOSITION OF PAMELA KOZLOWSKI

VOLUME II

This deposition taken by agreement of counsel
at the Office of the Attorney General, 33 Capitol
Street, Concord, New Hampshire, on Friday,
October 26, 2012, commencing at 1:53 P.M.

PAMELA KOZLOWSKI October 26, 2012

	Page 102		Page 104
1 Q	The November -- the sexual harassment?	1 Q	You mean talking about it?
2 A	Exactly, that is the first that clued me in to what Michele Walker was alleging.	2 A	Yes.
3		3 Q	Inviting other people to join in?
4 Q	And do you know who Jacqueline is in the court system?	4 A	Absolutely.
5		5 Q	I am going to show you what we marked as Knapp
6 A	There was a Jacqueline who worked in the Lebanon Family Division, but I see no connection to those women that Michele Walker has alleged were doing that behavior.	6 8, which is the complaint in this matter. We	7 didn't look at this last time, did we? Did
7		8 you look at the written complaint?	9
8		9 A	I have seen it. I don't think we went through
9		10 it last time.	11 Let me have you look at paragraphs 13 and 14,
10 Q	And what is Jacqueline's last name?	12 and we will go through it. Let me ask you --	13 A 13 and 14?
11 A	Oh, boy.	14 Q	Paragraphs 13 and 14. Paragraph 13, number A,
12 Q	Is it Messier, maybe?	15 and I will ask you the same question about	16 each one of these, if that occurred in the
13 A	Yes.	17 workplace, would that be in violation of the	18 sexual harassment policy?
14 Q	And does she still work for the court?	19 MS. DEMPSEY: Objection as to form.	
15 A	No. She left to work for the Vermont court system, and I am not sure if she is still there.	20 You can answer.	
16 Q	Do you know where she lives?	21 A If it occurred?	
17 A	I think she lived in Vermont, not exactly -- in the White River area, but Jacqueline	22 Q Yes.	
18 Q	Messier was not friendly with those women.	23 A Yes.	
19 A	How do you know that?		
20 A	Just from -- because I worked in the Lebanon		
	Page 103		Page 105
1	office. Jacqueline Messier was very much to herself. She was not social with -- you could tell by her demeanor. She was very introspective or to herself.	1 Q	And what about B?
2		2	MS. DEMPSEY: Same objection.
3		3 A	Yes.
4		4 Q	What about C?
5 Q	Are you aware -- have you seen Michele's -- any information in this case about Michele alleging that she was told by Lynn Gilman that Lynn, Michelle Brown, would have parties with Jacqueline?	5	MS. DEMPSEY: Same objection.
6 A	Only --	6 A	Yes.
7		7 Q	My question for D is, would comment Number 1
8	MS. DEMPSEY: Objection as to form.	8 be appropriate or inappropriate in the	9 workplace?
9	You can answer.	10 MS. DEMPSEY: Objection as to form.	
10 A	Only what I have read that you have shown me.	11 You can answer.	
11 Q	So you didn't, you weren't aware at the time of that, of that stuff going on?	12 MS. JOHNSON: I am going to take	
12 A	Absolutely not.	13 exception to the objection as to form. I	
13 Q	If that was going on, if employees were having sex together, would that be against policy?	14 mean, coaching --	
14		15 MS. DEMPSEY: There is no coaching	
15	MS. DEMPSEY: Objection as to form.	16 going on. I am happy to state the objection	
16 A	You can answer.	17 in greater detail.	
17 Q	I think what they do outside of work is one thing, but if they were bringing that stuff to work, that would be a violation of policy.	18 My objection to the question is it	
18		19 appropriate or inappropriate, that is a vague	
19		20 term, and I object to the form of the	
20		21 question.	
21 Q	What is your understanding of the word "inappropriate"?	22	
22		23	

PAMELA KOZLOWSKI October 26, 2012

	Page 106		Page 108
1 A	Not acceptable, distasteful.	1 A	Unacceptable.
2 Q	Let's go back to A, that that would not be acceptable to occur in the workplace?	2 Q	How about L?
3		3 A	Unacceptable.
4 A	Yes.	4 Q	What about -- so now 14 talks about retaliation in a hostile environment, and A, would that be acceptable or unacceptable?
5 Q	And B, would that be acceptable or not acceptable?	5	
6		6 A	Assuming this was all true?
7 A	Not acceptable.	7 Q	If it occurred in the workplace, would it be acceptable or unacceptable?
8 Q	What about C?	8 A	Unacceptable.
9 A	Not acceptable.	9	
10 Q	How about D1?	10 Q	B?
11 A	That would have to be taken in context. I can't outright say it is unacceptable.	11 A	Unacceptable.
12		12 Q	C?
13 Q	What about 2?	13 A	A little more context on that one, too, I think.
14 A	That would be unacceptable.	14 Q	D?
15 Q	What about E, and I will give you a moment to read it.	15 A	Unacceptable.
16		16 Q	E?
17 A	That would be unacceptable.	17 A	Unacceptable.
18 Q	What about F.	18 Q	F.
19 A	Unacceptable.	19 A	Unacceptable.
20 Q	What about G.	20 Q	G.
21 A	Unacceptable.	21 A	Unacceptable.
22 Q	What about H?	22 Q	H.
23 A	That's a difficult one because it wasn't	23 A	Unacceptable.
	Page 107		Page 109
1	coming -- it wasn't between a co-worker and a co-worker. I am not sure how much control we have over picking up a phone and having that happen. So I can't say with certainty on that one.	1 Q	H, I guess i, and what I am asking, is it appropriate to even talk about that in the workplace?
2		2	MS. DEMPSEY: Objection as to form.
3		3	You can answer.
4		4 A	Unacceptable.
5		5 Q	In fact, if that event occurred, it would cause you more concerns about Ms. Towle, is that correct?
6 Q	I, unacceptable or acceptable?	6	MS. DEMPSEY: Objection as to form.
7 A	Unacceptable.	7	You can answer.
8 Q	Do you know whether the other M..Walker, do you know about her filing a complaint about that e-mail?	8 A	Yes.
9		9 Q	Do you understand what is described there to be a criminal act?
10		10 A	Potentially a criminal act.
11 A	I do not.	11 Q	Criminal mischief for one, correct?
12 Q	Do you remember the e-mail?	12 A	Possibly, yes.
13 A	I do not.	13 Q	ii?
14	MS. JOHNSON: I am going to ask for a copy of the e-mail from your counselor. I don't believe I have seen it. If I have, I apologize.	14 A	Unacceptable.
15		15 Q	iii?
16		16 A	If we knew they were doing it for sure for dating purposes, unacceptable.
17		17 Q	And they would potentially be fired, correct?
18 Q	What about J?		
19 A	There is -- someone is making the judgment call that it is insinuating sex. That one should be looked into with some context as well.		
20			
21			
22			
23 Q	K?		

PAMELA KOZLOWSKI October 26, 2012

	Page 110		Page 112
1	MS. DEMPSEY: Objection as to form.		
2	You can answer.		1 You can answer.
3 A	I am not sure about fired, but certainly, disciplined would be involved at some level.		2 A Yes.
4		3 Q You are aware that one of the allegations we just went over is that Michele -- that	
5 Q	So that is not something you can definitely say you would fire someone for using personal sealed financial records for dating purposes?	4	5 co-workers invited her to join in a lesbian sexual relationship?
6		6	7 A Yes, that is one of the ones we just read.
7 A	Correct, I am not sure. I mean, it could. It seems to me it would definitely warrant some form of disciplinary action.	8 Q And we agreed that that was inappropriate, if	8
8		9 it occurred?	9
9 Q	In your experience in the court when someone has broken a rule, is there a standard policy of giving verbal warning, written warning?	10 A Yes.	10
10		11 Q And when you were interviewed by Ms. Howe --	11
11 Q	How does that progress?	12 talked to, however we want to say it, did she	12
12		13 raise her voice to you?	13
13 A	Our personnel rules spell that out, and so does the SEA union contract for employees.	14 A Ms. Howe?	14
14 Q	Depending which type of employee you are?	15 Q Ms. Howe?	15
15 A	Exactly. Much of it is the same in both, but there is a progression. It is a progressive discipline.	16 A No, not that I recall.	16
16 Q	So someone has a chance to fix their errors?	17 Q Was she pleasant to you?	17
17 A	Of course, everything is taken on a case by case -- if something were so egregious, I am	18 A I recall it being a pleasant interview, conversation, yes.	18
18		19 Q Did you understand whether she was an independent investigator?	19
19 Q		20 A I think I understood her role as being engaged by the administrative office of the courts for	20
20		21	22
21		23	
	Page 111		Page 113
1	sure someone would be fired, but otherwise, it would be a progressive disciplinary process.	1	the purpose of an investigation, and I -- she told me she worked for the State of Vermont, but I understood the context in which she was looking into this matter.
2 Q	And iv?	2	
3 A	If that's true, that would not be acceptable.	3	5 Q That the state -- the court system had hired her to interview people and do an investigation?
4 Q	Done with the complaint. Thank you.	4	6 A Yes, and somehow retained her and engaged her services for the purpose of an internal investigation.
5		7 Q Did you ever review the reports of either the Hurley investigation or the Howe investigation that was done by Judge Kelly?	
6	Assuming what happened in 13 and 14 that we have talked about, happened, and you were the person exposed to that conduct, would you feel that you were in a hostile environment?	8 A I have not seen them.	
7		9 Q Are you aware of Michele Walker's efforts to return to work?	
8		10 A I am not.	
9		11 Q Were you ever approached by Judge Kelly about whether Michele should be allowed to return to work at any time?	
10 A	MS. DEMPSEY: Objection as to form.	12 A No.	
11	You can answer.	13 Q Is that something that if he was thinking about, or making a decision on, you think he	
12 A	Can you show me 13 and 14 again?	14	
13 Q	It is the whole list of things?	15	
14 A	That we just went through?	16	
15 Q	Yes.	17	
16 A	Assuming that were true, and I was on the receiving end of it?	18	
17 Q	Right.	19	
18 A	Yes.	20	
19 Q	And would you feel that it was a hostile environment that included sexual harassment?	21	
20 Q		22	
21	MS. DEMPSEY: Objection as to form.	23	

PAMELA KOZLOWSKI

October 26, 2012

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1 (TIME NOTED: 05:47 PM)

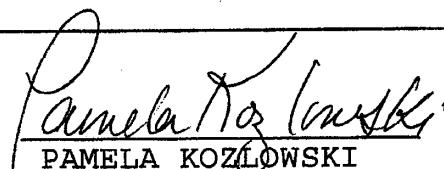
2 ERRATA SHEET AND CERTIFICATE OF WITNESS

3 In accordance with the rules of procedure
4 governing depositions, you are entitled to read and
5 correct your deposition transcript. Please read
6 your deposition, and on this errata sheet make any
7 necessary corrections or changes, either in form or
8 substance. Identify those corrections/changes by
9 page and line number, stating the change and the
10 reason. Please do not mark the actual transcript.
11 (Make extra copies of this sheet if you need to
12 indicate more changes or corrections than will fit
on this one page.) When completed, date and sign
the errata sheet and have your signature notarized.

I, PAMELA KOZLOWSKI, do hereby certify that
I have read the foregoing transcript of my
testimony, and further certify that it is a true
and accurate record of my testimony given on
October 26, 2012, (with the exception of the
corrections listed below):

13 PAGE LINE CORRECTION AND REASON FOR CORRECTION

14 _____
15 _____
16 _____
17 _____
18 _____
19 _____


PAMELA KOZLOWSKI

20 STATE OF New Hampshire
21 COUNTY OF Grafton
22 Subscribed and sworn to before me this 3rd
day of December, 2012.

23 Karen A. Haben
Notary Public J.P. X
My commission Expires: 11/30/2014

MacLeod

13a

13b

13c

13d i

13d ii

13e

13f

13g

13h

13i

13j

13k

13l

14a

14b

14c

14d

14e

14f

14g

14h i

14h ii

14h iii

14h iv

Knowledge Observed

11, 12

11, 12

11-12

Ex 3f

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Estate of Michele M. Walker, Charles E. Walker,
Administrator

VS NO: 1:11-CV-421-PB

State of New Hampshire - Administrative Office of
the Courts and State of New Hampshire - NH Second
Circuit Littleton District Division -
Administrative Office of the Courts

DEPOSITION OF LAWRENCE A. MACLEOD

This deposition taken by agreement of counsel
at the Office of the Attorney General, 33 Capitol
Street, Concord, New Hampshire, on Wednesday,
November 7, 2012, commencing at 2:28 P.M.

1 A Just in terms of my own observations, is that
2 what you are asking?

3 Q No, I am first asking if you ever had any
4 input into an actual review process?

5 A No, never.

6 Q Your own observations, what would you say
7 about her work?

8 A Very competent.

9 Q What about Lisa Towle?

10 A I couldn't really say. I occasionally ran
11 into Lisa up there, I think in Plymouth,
12 sometimes she was there, very minimal
13 interaction.

14 Q Do you recall an occasion when you approached
15 Michele Walker about a concern you had about
16 Lisa?

17 A I think I know what you are talking about. I
18 don't think I approached Michele Walker. I
19 may have mentioned it to her, but I don't have
20 a memory of that.

21 Q Do you remember you having an issue about Lisa
22 Towle talking to her lawyer at the window?

23 A I do.

1 Q What did you observe?

2 A To the best of my memory, I observed -- she
3 was -- this is sort of a small -- it was an
4 addition to the courthouse, a family came in.

5 She was there talking to her lawyer about,
6 obviously something had to do with her own
7 litigation, and I was in the room, maybe photo
8 copying or getting something off a printer or
9 something like that. It struck me as
10 something she shouldn't be doing there under
11 those circumstances.

12 Q Do you remember mentioning it to Michele
13 Walker?

14 A I don't remember mentioning it to her. I
15 could have.

16 Q Let me show you, just ask you, and this is
17 page 3184 of the AOC production. If you could
18 read the first paragraph on the top and tell
19 me if this sounds familiar to you?

20 A Starting where?

21 MS. DEMPSEY: "At the end of 2008"

22 Q First paragraph here.

23 A Beginning "spoke to"?

LAWRENCE A. MACLEOD November 7, 2012

	Page 18	Page 20
1	cover for Judge Zielinski or something. That 2 may have been.	1 (TIME NOTED: 02:49 PM) 2 ERRATA SHEET AND CERTIFICATE OF WITNESS 3 In accordance with the rules of procedure 4 governing depositions, you are entitled to read and 5 correct your deposition transcript. Please read 6 your deposition, and on this errata sheet make any 7 necessary corrections or changes, either in form or 8 substance. Identify those corrections/changes by 9 page and line number, stating the change and the 10 reason. Please do not mark the actual transcript. 11 (Make extra copies of this sheet if you need to 12 indicate more changes or corrections than will fit 13 on this one page.) When completed, date and sign 14 the errata sheet and have your signature notarized. 15 16 I, LAWRENCE A. MACLEOD, do hereby certify 17 that I have read the foregoing transcript of my 18 testimony, and further certify that it is a true 19 and accurate record of my testimony given on 20 November 7, 2012, (with the exception of the 21 corrections listed below): 22 PAGE LINE CORRECTION AND REASON FOR CORRECTION 23 _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____
10	Q You mean she told you --	
11	A I don't know if my memory was correct that I 12 was there the day she was there with Judge 13 Cirone when she was working district court or 14 whether she told me about it. It was a funny 15 story that happened in the court. I don't 16 know if I was there -- typically, he and I are 17 not there the same days, but sometimes we 18 overlap. I may have been there doing family 19 court.	
20	Q I am going to show you what we marked as Brown 21 4. My question is whether you think that is 22 around the time period you had the 23 conversation with Michelle Brown or not?	20 STATE OF _____ 21 COUNTY OF _____ 22 Subscribed and sworn to before me this _____ 23 day of _____, 2012.
	Page 19	Page 21
1	A It could be. I honestly don't remember the 2 dates or the date that I made this 3 observation, at least until --	1 My commission Expires: _____
4	Q And have you ever reviewed any of the stalking 5 order petitions or anything with respect to 6 Lisa Towle?	2 3 C E R T I F I C A T E 4 I, Rebecca Lynn Metea, a Licensed Court 5 Reporter, in and for the State of New Hampshire, do 6 hereby certify that the foregoing is a true and 7 accurate transcript of my stenographic notes of the 8 deposition of LAWRENCE A. MACLEOD, who was first 9 duly sworn, taken at the place and on the date 10 hereinbefore set forth. 11 I further certify that I am neither counsel 12 for nor related to or employed by any of the 13 parties to the action in which this deposition was 14 taken, and further that I am not a relative or 15 employee of any attorney or counsel employed in 16 this case, nor am I financially interested in this 17 action.
7	A No.	18 19 20
8	Q Anytime before this case, were you aware there 9 were any petitions against her?	21 22 23
10	A I think people have told me that.	Rebecca Lynn Metea Licensed Court Reporter Certificate Number 39
11	Q Who do you think told you that?	
12	A Some court staff.	
13	Q Let me have a minute, please.	
14	Did you ever observe any behavior in 15 the clerk's office other than the incident we 16 talked about with Lisa Towle and her attorney 17 that concerned you?	
18	A In Littleton?	
19	Q In Littleton, sorry?	
20	A No.	
21	Q Did you ever hear any sexual jokes while 22 working in Littleton?	
23	A No.	

6 (Pages 18 to 21)

Moeckel Agree it would
be hostile?

13a

13b

13c

13d i

13d ii

13e

13f

13g

13h

13i

13j

13k

13l

Yes, inappropriate
for workplace

14a

14b

14c

14d

14e

14f

14g

14hi

14hii

14hiii

14hiv

Yes-hostile

152-158

Ex 36

**Walker v. State of NH-AOC, et al
Deposition of Jennifer S. Moeckel**

3/29/13

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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEW HAMPSHIRE
3 No. 1:11-CV-421-PB

* Estate of Michele M. Walker, *
* Charles E. Walker, Administrator *

7 **主**

VS.

* * *

State of New Hampshire - AOC, *

9 * et al *

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14 taken at the offices of the Attorney General,
15 33 Capitol Street, Concord, New Hampshire,
16 on Friday, March 29, 2013, commencing
17 at 9:45 a.m.

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<p>1 sentence says, "The report also appropriately 2 includes remedial action to be taken, addressing 3 staff about inappropriate comments."</p> <p>4 So I guess you got that from the Kelly 5 report, correct?</p> <p>6 A. Yes. What I was referring to there was that Judge 7 Kelly indicated in his report that he thought -- 8 this is not a quote. I don't recall his exact 9 words, but in general that either he was going to, 10 or was going to ask someone to address with staff 11 some of the banter that had occurred in the 12 workplace.</p> <p>13 Q. Do you know if in fact that was done?</p> <p>14 A. I don't know one way or another.</p> <p>15 Q. Do you know why Judge Kelly finished the report 16 since Michele was already dead?</p> <p>17 A. I would have to speculate.</p> <p>18 Q. What's your -- Go ahead and speculate?</p> <p>19 A. If I were to speculate, I would speculate that 20 because the employer had taken this matter so 21 seriously and had this very thorough and lengthy 22 investigation conducted that it would be a shame 23 not to have the conclusions reached and to have</p>	<p>1 answer.</p> <p>2 Q. (BY MS. JOHNSON) Take your time to read 13. 3 (Pause)</p> <p>4 Actually read 13 and 14.</p> <p>5 (Discussion without record.)</p> <p>6 (Recessed at 2:35 p.m.)</p> <p>7 (Reconvening at 2:38 p.m.)</p> <p>8 Q. (BY MS. JOHNSON) Okay, back to No. 13. If the 9 things alleged in Paragraph 13 and its subparts 10 had happened, would you agree that that could 11 constitute a hostile environment based on sex?</p> <p>12 MS. DEMPSEY: If some parts had happened is 13 the question?</p> <p>14 Q. (BY MS. JOHNSON) If they -- well, for starters, 15 if they all happened?</p> <p>16 A. If I assume that all of these things happened as 17 alleged?</p> <p>18 Q. Right.</p> <p>19 A. Then yes, it could constitute a hostile 20 environment. I'd want more information, but it 21 could.</p> <p>22 Q. And I'm just going to throw out a number. If half 23 of them had happened, would that constitute the</p>
<p>1 the benefit of that information so that there 2 could be finality to the sense -- I don't know if 3 that's the word exactly that I want, but to bring 4 the matter to a close and reach whatever 5 conclusions needed to be reached.</p> <p>6 Q. Unfortunately that had to happen without finishing 7 Ms. Walker's interviews?</p> <p>8 A. That's very unfortunate, yes. Unfortunate, I'm 9 referring to the sadness to the end of her life.</p> <p>10 Q. Thank you. Yes. I'm going to ask you to take a 11 look at the complaint. We're going to mark it as 12 Exhibit 9, I think.</p> <p>13 (Moeckel Exhibit 9 marked for I.D.)</p> <p>14 Q. (BY MS. JOHNSON) Are you familiar with the 15 complaint relatively?</p> <p>16 A. I have read it.</p> <p>17 Q. Okay. Paragraph 13, those allegations in 18 Paragraph 13, would you agree with me that if 19 those things actually had happened that that might 20 be an environment that was hostile or sexually -- 21 excuse me -- that that might be a hostile 22 environment?</p> <p>23 MS. DEMPSEY: Objection as to form. You can</p>	<p>1 same type of environment?</p> <p>2 A. It might depending which half. And I'm not trying 3 to be flip.</p> <p>4 Q. The more severe one's you're agreeing to if they 5 had happened?</p> <p>6 A. Yah, I'm struggling with the percentage piece, but 7 some of the allegations are severe certainly. 8 Although I don't even know. I might back off of 9 the use of the word severe because I don't know if 10 I have enough information.</p> <p>11 Q. It could also be pervasive?</p> <p>12 A. Right. The legal standard is severe or pervasive.</p> <p>13 Q. I'll just ask you to read them to yourself. Are 14 any of these incidents that are alleged in 15 Paragraph 13 and its subparts, any of them 16 appropriate to be in the workplace? 17 (Pause)</p> <p>18 A. I don't view these as workplace appropriate 19 behavior. And I say that not in the legal sense 20 because the legal standard is high but, you know, 21 these are not -- they're not good workplace 22 behavior.</p> <p>23 Q. Is it fair to assume that these are some of the</p>

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<p>1 behaviors that Judge Kelly wanted in place to be 2 warned about as far as the banter in the 3 workplace?</p> <p>4 MS. DEMPSEY: Objection as to form. You can 5 answer.</p> <p>6 THE WITNESS: My recollection of Judge 7 Kelly's report is that he wanted to address or 8 have someone address -- and I'm not clear on who 9 was to address the banter that occurred in the 10 workplace. My recollection of the report is that 11 there was a finding that there were, there was 12 some mutually engaged in banter or joking and he 13 wanted that addressed.</p> <p>14 Q. (BY MS. JOHNSON) Well, it's fair to say he wanted 15 any of that type of thing addressed, whether it 16 was mutual or not, correct?</p> <p>17 MS. DEMPSEY: Objection as to form. You can 18 answer.</p> <p>19 THE WITNESS: I guess my recollection of the 20 report isn't that specific.</p> <p>21 Q. (BY MS. JOHNSON) Okay.</p> <p>22 A. But my opinion, what I'm saying is based on the 23 report, so whatever the report says would govern</p>	<p>Page 154</p> <p>1 things had occurred would you agree they would 2 contribute towards a hostile environment?</p> <p>3 A. I'm hesitating because I think of a hostile 4 environment in terms of behavior directed at 5 someone because of their membership in a legally 6 protected classification, like directed at someone 7 because of their sex, and these behaviors on their 8 face don't appear to be directed at someone 9 because of their sex or other legally protected 10 category.</p> <p>11 Q. Fair enough. If we just say generally hostile but 12 not based on a protected category, you would agree 13 with me not tending towards hostile environment on 14 a sex based or protected category?</p> <p>15 A. I would, yah. I mean I would agree that it would 16 not be a workplace that I would choose to apply to 17 work in.</p> <p>18 Q. It would be uncomfortable if this was going on, 19 correct?</p> <p>20 A. If it all happened as alleged.</p> <p>21 Q. Or most of it, correct?</p> <p>22 MS. DEMPSEY: Objection as to form. You can 23 answer.</p>
<p>1 my question.</p> <p>2 Q. All right. And Paragraph, the same question, is 3 any of the behavior described in 14 and its 4 subparts appropriate for the workplace?</p> <p>5 (Pause)</p> <p>6 A. There's not an item on the list that I would 7 identify and recommend for workplace behavior.</p> <p>8 Q. So it would be inappropriate, in other words?</p> <p>9 A. Yes. I mean there are some things where you would 10 say, well, if I had more information, for example, 11 g, which alleges that Towle approached plaintiff 12 on at least three occasions that day, yelling and 13 red-faced. Without knowing what was making her 14 angry, I mean if there was something that had been 15 upsetting, you know, there were --</p> <p>16 Q. Right, if someone was sick or injured or that kind 17 of thing, but --</p> <p>18 A. Exactly.</p> <p>19 Q. But if that was happening with respect to, you 20 know, she didn't -- well, it could go either way, 21 correct, depending on the facts?</p> <p>22 A. Yes.</p> <p>23 Q. All right. And of the events in 14, if these</p>	<p>Page 155</p> <p>1 THE WITNESS: Depends which most.</p> <p>2 MS. JOHNSON: Okay. All right. I'm going to 3 have this marked as No. 10. (Moeckel Exhibit 10 marked for I.D.)</p> <p>4 Q. (BY MS. JOHNSON) My first question, this 5 November 9th, 2009, complaint, you have seen this 6 before, correct? (Document exhibited to witness.)</p> <p>7 A. Yes, I have.</p> <p>8 Q. All right. This was Miss Walker's complaint to 9 Miss Hurley that goes into greater detail on the 10 sexual harassment, correct?</p> <p>11 A. Correct.</p> <p>12 Q. Are you aware that as of this time Miss Walker did 13 not know whether or not the investigation was 14 complete?</p> <p>15 MS. DEMPSEY: Objection as to form. What 16 investigation?</p> <p>17 Q. (BY MS. JOHNSON) Miss Hurley's investigation?</p> <p>18 A. I'm just trying to be certain in my own head. I 19 believe that's the case, because I believe she 20 commenced a leave before the results of 21 Ms. Hurley's investigation were shared with her.</p>

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1	Q. And do you know if in fact Ms. Hurley's	1	(Reconvening at 2:56 p.m.)
2	investigation was ever shared with her, the	2	MS. JOHNSON: I am all done. Thank you very
3	results?	3	much for your participation and answering my
4	A. I don't know the answer.	4	questions to the best of your abilities. Thank
5	Q. Okay. So as far as Miss Walker was apparently	5	you.
6	concerned when she sent this November 9th	6	THE WITNESS: Thank you.
7	complaint the Hurley investigation was ongoing?	7	(Deposition concluded at 2:57 p.m.)
8	MS. DEMPSEY: Objection as to form.	8	
9	THE WITNESS: Yah, I guess I'm not sure what	9	
10	information she would have had.	10	
11	Q. (BY MS. JOHNSON) Okay. If in fact Miss Walker	11	
12	did not know Miss Hurley had concluded her	12	
13	investigation this complaint as far as Miss Walker	13	
14	was concerned would be then added to the Hurley	14	
15	investigation, correct?	15	
16	MS. DEMPSEY: Objection as to form.	16	
17	THE WITNESS: That might be one reasonable	17	
18	assumption for her to make.	18	
19	Q. I'm going to show you this, which I don't remember	19	
20	where it came from, but I'd ask if you've seen	20	
21	that before?	21	
22	I really don't know the answer to that	22	
23	question. This will be 11.	23	
	Page 159		Page 161
1	(Moeckel Exhibit 11 marked for I.D.)	1	Moeckel - 3/29/13
2	A. I don't believe I've seen this before. I'm not	2	E R R A T A S H E E T
3	sure if what I have --	3	In accordance with the rules of procedure
4	Q. We don't need --	4	governing depositions, you are entitled to read
5	(Discussion without record.)	5	and correct your deposition transcript. Please
6	Q. (BY MS. JOHNSON) Have you seen this before?	6	read your deposition and on this errata sheet
7	A. I don't believe I have.	7	make any necessary corrections or changes, either
8	Q. Have you had a chance to read it?	8	in form or substance. Identify those
9	A. So far I've read the first page.	9	corrections/changes by page and line number,
10	Q. You know what, that's fine. I don't need to ask	10	stating the change and the reason. Please do not
11	you further questions since you haven't seen it.	11	mark the actual transcript. (Make extra copies
12	Thanks.	12	of this sheet if you need to indicate more
13	Do you think it was important for the -- I	13	changes or corrections than will fit on this one
14	think I asked you whether or not it was important	14	page.) When completed, date and sign the errata
15	for Miss Hurley to review the stalk petitions?	15	sheet and have your signature notarized:
16	A. You did ask.	16	Page/Line Correction Reason
17	Q. And you said no, not necessarily?	17	11 _____
18	A. I think I said either not necessarily or it would	18	12 _____
19	depend or something along those lines.	19	13 _____
20	MS. JOHNSON: Can we take five minutes?	20	14 _____
21	THE WITNESS: Sure.	21	15 _____
22	(Discussion without record.)	22	16 _____
23	(Recessed at 2:51 p.m.)	23	17 _____
		18 _____	19 _____
		20 Date: _____ Signature of Deponent: _____	
		21 Subscribed and sworn to before me this	
		____ day of _____, 20____.	
		22	
		23 Notary Public/Justice of the Peace	

Towle Agrees Would Be
Harassment? Observed

13a

y

13b

y

13c

13d i

13d ii

146

13e

13f

153

147

13g

13h

13i

13j

13k

13l

14a

14b

14c

14d

14e

14f

14g

14h i

154

14h ii

14h iii

14h iv

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Ex 34

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Estate of Michele M. Walker, Charles E. Walker,
Administrator

VS NO: 1:11-CV-421-PB

State of New Hampshire - Administrative Office of
the Courts and State of New Hampshire - NH Second
Circuit Littleton District Division -
Administrative Office of the Courts

DEPOSITION OF LISA TOWLE

This deposition taken by agreement of counsel
at the Office of the Attorney General, 33 Capitol
Street, Concord, New Hampshire, on Friday,
November 2, 2012, commencing at 8:53 A.M.

<u>page</u>	<u>line</u>	<u>Reason</u>
79	15	Remove "and I left"
84	16	-- s/b left
86	21	insert after telling "Brenda about it"
106	19	at beginning of statement add - and would not stop
118	13	add to the end - Lord, King,
121	17	again s/b against
142	11	insert Judge after Lee
147	10	repeated s/b infected
129	4	employment s/b residence

12DEC-7 AMH:17
STATE OF NH
DEPT OF JUSTICE

LISA TOWLE

November 2, 2012

	Page 142		Page 144
1 Q	Do you remember Michelle Brown saying she loved Judge MacLeod?	1	If you could read A to yourself and then I have a question. And this is with respect to Michele Walker. Do you know anything about -- excuse me.
2 A	Yes.	2	Do you have any facts about paragraph A?
3 Q	What do you remember about that?	3	MS. DEMPSEY: Objection as to form.
4 A	It was part of -- an order had just been issued. No, I am sorry, I take that back.	4	You can answer.
5	We had needed him to sign, look at an order because we had an emergency order came in. And she called down to see if Judge MacLeod could look at it. She said, oh, I just love MacLeod. I took it because he was willing to look at the order and take time off from his hearing to look at the order for us.	5	Do I have any --
6	Some judges, if they are busy, wouldn't look at them. It happens on a daily basis. If they are overwhelmed with cases, they don't have the time.	6	Do you know anything about paragraph A as far as did you witness any such incidents?
7 Q	Do you remember ever telling Stan, the bailiff, jokes?	7	No.
8	MS. DEMPSEY: Objection as to form.	8	And if those happened, would those be inappropriate for the workplace?
9	You can answer.	9	Yes.
10 A	I don't recall.	10	And B, openly discussing participating in homosexual activities, did you observe that at work?
11 Q	Do you ever recall telling him jokes with the	11	A No.
12		12	And would that be inappropriate?
13		13	Yes.
14		14	And co-workers bringing in pictures of homosexual parties, you said you didn't see
	Page 143		Page 145
1	word "cock" in it?	1	anything such as that?
2 A	No, not that I recall.	2	No.
3 Q	Is it possible you did, you just don't recall?	3	The comment, I can still land a guy in his 20s, you don't recall hearing that?
4 A	No.	4	No.
5 Q	Do you recall discussing with Lynn during the work time, about younger men having -- having sex with younger men?	5	And how about, I gave the bailiff a blow job, and he never had it done with a tongue ring before.
6	MS. DEMPSEY: Objection as to form.	6	Did you hear that?
7	You can answer.	7	Are you asking if I heard it in the court?
8 A	No.	8	Did you hear that at work?
9 Q	Is it possible you had that discussion, and you just don't recall it?	9	No.
10	MS. DEMPSEY: Same objection. You can answer.	10	Did you hear that outside work?
11 A	No.	11	Yes.
12 Q	I am going to show you what we have marked as Knapp Exhibit 8, and you have seen this document before?	12	And where did you hear that?
13 A	Yes.	13	From Lynn.
14 Q	Can you turn to page 4, paragraph 13. I am just going to go through the lettered	14	And on what occasion?
15	paragraphs with you and ask you a couple of	15	We had gone for a walk. I don't remember the time frame.
16	questions.	16	So like the break or something?
17		17	Yes. Lunch break.
18		18	And did you repeat that to anyone?
19		19	No.

37 (Pages 142 to 145)

CONNELLY REPORTING & VIDEO SERVICES

LISA TOWLE

November 2, 2012

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1 Q She didn't have any problem obviously sharing
2 that with you?

3 MS. DEMPSEY: Objection as to form.
4 You can answer.

5 A Correct.

6 Q E, can you read that to yourself, please?

7 My question is other than what we
8 discussed about Judge MacLeod's underwear, the
9 comment, I love Judge MacLeod, probably that
10 he just looked at this order for me, do you
11 recall any other facts that would pertain to
12 paragraph E?

13 A No.

14 Q Next page, please. F, I think you just talked
15 about, you don't recall any sexually offensive
16 jokes?

17 A Correct.

18 Q G, Lynn Gilman lifting up her shift and
19 showing her belly ring to plaintiff and asking
20 if she wanted to see her nipple ring.

21 My question is, did Lynn ever
22 participate -- did Lynn ever show you her
23 belly ring or talk about nipple rings?

1 Q When you went to Lynn's house and Miriam was
2 there?

3 A Yes.

4 Q And then when was the other occasion?

5 A I had actually gone to her house, and she went
6 back with me to Laconia to meet another friend
7 of mine, and we went to Laconia bike week.

8 Q And did Lynn Gilman ever invite you to engage
9 in any type of sexual relationship with her?

10 A No.

11 Q I am assuming you did not engage in any sexual
12 relationship with her?

13 A No.

14 Q Have you ever engaged in a lesbian
15 relationship?

16 A No.

17 Q H, Michele Walker picked up the family
18 division phone to cover for absent co-worker
19 when a male voice said, hi, Mrs. Blow Job.
20 You were good last night.

21 My question is, were you there when
22 that occurred?

23 A No.

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1 A Well, at the court?

2 Q Let's start with at the court?

3 A No.

4 Q What about outside the court?

5 A Yes, I had seen her belly ring.

6 Q During one of the occasions you went out?

7 A Because I had just gotten mine done as well.
8 Mine was irritated, so she was showing me what
9 it should look like. I thought mine was
10 irritated.

11 Q Was this at someone's house, or where were
12 you?

13 A Yes, we were at her house.

14 Q How many times would you say you socialized
15 with Lynn Gilman over the years?

16 A I am sorry. How many times have I associated
17 with her?

18 Q Socialized with her, outside of work?

19 A We went for a walk all the time on lunch
20 breaks.

21 Q Outside of work?

22 A Those two occasions that I previously
23 mentioned.

1 Q Do you remember hearing about it at work?

2 A No.

3 Q Did you ever hear Michelle Brown talk about
4 it?

5 A No.

6 Q Letter I, if you could read that to yourself,
7 please?

8 A Okay.

9 Q Do you recall that e-mail?

10 A I do.

11 Q And what was it about?

12 A I don't remember the full content of it.

13 Q What was the gist of it?

14 MS. DEMPSEY: Objection as to form.
15 You can answer.

16 A Honestly, I don't remember even the gist of
17 it. I remember the situation being that
18 Michele Walker chuckled because she got a
19 response from Madeline Walker. She said, I
20 bet she has her undies in a bunch over that
21 one.

22 Q The wrong person had received it?

23 A Yes.

38 (Pages 146 to 149)

CONNELLY REPORTING & VIDEO SERVICES

LISA TOWLE

November 2, 2012

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1 Q	By the way, do you know where Lynn Gilman currently lives?	1 A	Correct.
2 A	I do not.	2 Q	You can have a private conversation in your office if you want to?
3 Q	Do you know what town she lives in?	4 A	Yes.
4 A	I do not.	5 Q	Also in circuit court, correct?
6 Q	State?	6 A	Yes.
7 A	I believe she is in Maine.	7 Q	What about K, Brown referring to a New Hampshire state trooper she thought was attractive, stated she just wanted to lick his teeth.
8 Q	And do you have an idea where that might be?	8 A	
9 A	I don't.	9 Q	
10 Q	Do you know if she lived in Maine before?	10 A	
11 A	I do not. I know that she went up there with her boyfriend who had a house -- Standard?	11 Q	Do you recall hearing anything like that?
12 Q		12 A	No.
13 Q	Standish?	13 Q	And do you recall Brown asking the plaintiff if her husband could still get it up?
14 A	Maybe. Maybe. I know that my daughter and I went up on a Saturday, Friday or Saturday and spent the day with her at the beach and had lunch with her and then had dinner with her and her boyfriend.	15 A	I do not.
15 Q		16 Q	Do you recall anyone talking to Michele Walker about that?
16 Q		17 A	I do not.
17 Q	That is actually a third time you socialized with her?	18 Q	What about paragraph 14 -- First of all, things in 13 that we just went through, would you agree if those things happened, those could constitute sexual harassment?
18 A	Yes, I am sorry. That is correct. I am sorry.	19 A	
19 Q	Does that stir your memory of any other times?	20 Q	
	Page 151		Page 153
1 A	No.	1 Q	MS. DEMPSEY: Objection as to form.
2 Q	And what was the boyfriend's name at the time?	2 A	You can answer.
3 A	I believe it was Rob or is Rob.	3 A	Yes.
4 Q	Do you know what his last name is?	4 Q	14, these are allegations that Michele has made with respect to the hostile environment, retaliation. In paragraph A, do you admit or deny paragraph A?
5 A	I don't.	5 A	
6 Q	Did you ever hear whether there was an administrative complaint filed with respect to the explicit e-mail referenced in paragraph I?	6 A	
7 A		7 A	
8 Q		8 A	
9 A	I do not.	9 Q	
10 Q	J, if you could read that to yourself, please.	10 A	
11 A	Okay.	11 Q	
12 Q	My question is, you already said you didn't hear the comment made about or insinuating that Michelle Brown had gone home for sex for lunch, you didn't hear anything like that?	12 A	
13 A		13 Q	
14 Q		14 Q	
15 A		15 A	
16 A	Correct.	16 Q	
17 Q	And your office, we have pictures, but it is a pretty decent-size space, right?	17 A	
18 A	Yes.	18 Q	
19 Q	MS. DEMPSEY: Objection as to form.	19 Q	
20 A	You can answer.	20 A	
21 Q	You can't overhear what everyone is saying from every angle in that room, correct?	21 Q	But did you tell her not to answer your phone or wait on customers?
22 A		22 A	
23 Q		23 A	I told them that they didn't have to.

LISA TOWLE

November 2, 2012

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1 Q So you weren't requesting them not to?
 2 A Correct.
 3 Q But when you got back, you sent an e-mail
 4 complaining to Michelle Brown that she had
 5 answered your phone, right?
 6 MS. DEMPSEY: Objection as to form.
 7 You can answer.
 8 A I believe it was because of the way -- I would
 9 have to look at the e-mail, I am sorry.
 10 Q F, can you read that to yourself?
 11 A Denied.
 12 Q What about G?
 13 A Denied.
 14 Q And then H, little i?
 15 A Denied.
 16 Q ii?
 17 A I did discuss the legal order that was given
 18 to me by my attorney, with my attorney.
 19 Q And was it in a loud manner?
 20 A No.
 21 Q Do you recall Judge Cyr or Judge MacLeod
 22 coming into the area when you were talking to
 23 your lawyer?

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1 A No.
 2 Q And iii?
 3 A Denied.
 4 Q Except you did date two people who had cases
 5 in the family division, right?
 6 A Right, but that is not what that is saying.
 7 Q Okay. You did date two people whose files you
 8 had access to for some time?
 9 MS. DEMPSEY: Objection as to form.
 10 You can answer.
 11 A We did discuss that I dated two people that
 12 did have cases in the court.
 13 Q You would have had access to their files
 14 during that time, correct, that their cases
 15 were in court?
 16 A I would have had access to it, but I did not
 17 access them for such purposes as dating them.
 18 Q Did you access them for other purposes?
 19 A If it was court-related, yes.
 20 Q What about little iv?
 21 A I do recall Michele looking at a car online.
 22 I believe she had been car shopping that
 23 weekend and was receiving follow-up calls.

1 Q Do you know how much time she spent doing
 2 that?
 3 A I don't recall.
 4 Q Thank you.
 5 MS. JOHNSON: Let's take a three- or
 6 four-minute break, and then I will probably
 7 have 10 or 15 minutes at the most.
 8 (Short recess.)
 9 Q Let me show you this document and have you
 10 explain what it is and just explain what it is
 11 after you take a look at it, and after we mark
 12 it.
 13 (Whereupon, the court reporter
 14 marked Exhibit Number 20, Copy of napkin with
 15 notes, for Identification.)
 16 Q First question is, what is this?
 17 A This is a photocopy of a napkin that was left
 18 on my vehicle by my ex-husband, Aldis Wright.
 19 Q And that is in December of '08?
 20 A Yes.
 21 Q This is while the guardianship was going on?
 22 A I don't know if we had applied for
 23 guardianship yet.

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1 Q This was right before the incident with your
 2 lawyer talking with you at the window, right?
 3 MS. DEMPSEY: Objection as to form.
 4 You can answer.
 5 A I don't remember the exact date. So I would
 6 have to look at it. This would have been
 7 after that, yes.
 8 Q After the conversation with your lawyer?
 9 A Yes.
 10 Q And that case was the guardianship?
 11 A No, everything was -- the guardianship was
 12 dismissed, and then there was nothing going on
 13 at that time.
 14 Q So did you know what he wanted to talk to you
 15 about?
 16 A No.
 17 Q Did you call him?
 18 A No.
 19 Q Was this during the time when you were
 20 complaining that he wasn't seeing the
 21 children?
 22 A He didn't see the children a lot.
 23 Q Did it include during this time?

LISA TOWLE

November 2, 2012

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1 ERRATA SHEET AND CERTIFICATE OF WITNESS

2 In accordance with the rules of procedure
 3 governing depositions, you are entitled to read and
 4 correct your deposition transcript. Please read
 5 your deposition, and on this errata sheet make any
 6 necessary corrections or changes, either in form or
 7 substance. Identify those corrections/changes by
 8 page and line number, stating the change and the
 9 reason. Please do not mark the actual transcript.
 10 (Make extra copies of this sheet if you need to
 11 indicate more changes or corrections than will fit
 12 on this one page.) When completed, date and sign
 13 the errata sheet and have your signature notarized.

I, LISA TOWLE, do hereby certify that I have
 9 read the foregoing transcript of my testimony, and
 10 further certify that it is a true and accurate
 11 record of my testimony given on November 2, 2012,
 12 (with the exception of the corrections listed
 13 below):

12 PAGE LINE CORRECTION AND REASON FOR CORRECTION

13	<u>4</u>	<u>7</u>	<u>Ann s/b seen</u>
14	<u>4</u>	<u>13</u>	<u>Remove as I had asked that physical address</u>
	<u>#</u>		<u>remain confidential</u>
15	<u>10</u>	<u>9</u>	<u>Porfidio's Market and Deli</u>
16	<u>14</u>	<u>17</u>	<u>Majistrate s/b administrative</u>
17	<u>15</u>	<u>21</u>	<u>Millon s/b Mulken</u>
18	<u>54</u>	<u>15</u>	<u>Wherever you s/b where we</u>
19	<u>77</u>	<u>11</u>	<u>Chair s/b desk</u>

→ over

LISA TOWLE

19 STATE OF New Hampshire20 COUNTY OF Grafton21 Subscribed and sworn to before me this 5th day of December, 2012.22 Brenda H JewettNotary Public J.P. ✓23 My commission Expires: 8/08/17